



General Assembly

February Session, 2000

Amendment

LCO No. 3148

Offered by:

REP. EBERLE, 15th Dist.

To: Subst. House Bill No. 5450

File No. 204

Cal. No. 192

"An Act Concerning Municipal Day Camps."

1 Before line 1, insert the following and renumber the remaining
2 sections accordingly:

3 "Section 1. Section 19a-84 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) When the Commissioner of Public Health has reason to believe
6 any person licensed under sections 19a-77 to 19a-80, inclusive, and 19a-
7 82 to 19a-87, inclusive, has failed substantially to comply with the
8 regulations adopted under said sections, [he] the commissioner may
9 notify [said] the licensee in writing of [his] the commissioner's
10 intention to suspend or revoke the license or to impose a licensure
11 action. Such notice shall be served by certified mail stating the
12 particular reasons for the proposed action. The [license applicant or
13 license holder] licensee may, if aggrieved by such intended action,
14 make application for a hearing in writing over [his] the licensee's
15 signature to the commissioner. The [aggrieved person] licensee shall
16 state in the application in plain language the reasons why [he] the

17 licensee claims to be aggrieved. The application shall be delivered to
18 the [Commissioner of Public Health] commissioner within thirty days
19 of the [aggrieved person's] licensee's receipt of notification of the
20 intended action. The commissioner shall thereupon hold a hearing
21 within sixty days from receipt [thereof] of such application and shall,
22 at least ten days prior to the date of such hearing, mail a notice, giving
23 the time and place [thereof] of the hearing, to [such aggrieved person]
24 the licensee. The hearing may be conducted by the commissioner or by
25 a hearing officer appointed by the commissioner in writing. The
26 [license applicant or] licensee and the commissioner or hearing officer
27 may issue subpoenas requiring the attendance of witnesses. The
28 [license applicant or] licensee shall be entitled to be represented by
29 counsel and a transcript of the hearing shall be made. If the hearing is
30 conducted by a hearing officer, [he] the hearing officer shall state [his]
31 the hearing officer's findings and make a recommendation to the
32 commissioner on the issue of revocation [and] or suspension or the
33 intended [licensure denial or] licensure action. The commissioner,
34 based upon [said] the findings and recommendation of the hearing
35 officer, or after a hearing conducted by [him] the commissioner, shall
36 render [his] the commissioner's decision in writing suspending,
37 revoking or continuing [said] the license or regarding the intended
38 [licensure denial or] licensure action. A copy of the decision shall be
39 sent by certified mail to the [license applicant or] licensee. The decision
40 revoking or suspending the license or a decision imposing a licensure
41 action shall become effective thirty days after it is mailed by registered
42 or certified mail to the licensee. A [license applicant or] licensee
43 aggrieved by the decision of the commissioner may appeal as provided
44 in section 19a-85.

45 (b) The provisions of this section shall not apply to the denial of an
46 initial application for a license under sections 19a-77 to 19a-80,
47 inclusive, and 19a-82 to 19a-87, inclusive, provided the commissioner
48 shall notify the applicant of any such denial by mailing written notice
49 of the denial to the applicant at the applicant's address shown on the
50 license application.

51 Sec. 2. Section 19a-87e of the general statutes is repealed and the
52 following is substituted in lieu thereof:

53 (a) The Commissioner of Public Health [shall have the discretion to]
54 may refuse to license under section 19a-87b, as amended, a person to
55 own, conduct, operate or maintain a family day care home, as defined
56 in section 19a-77, or to suspend or revoke the license or take any other
57 action that may be set forth in regulation that may be adopted
58 pursuant to section 19a-79 if the person who owns, conducts,
59 maintains or operates the family day care home, or a person employed
60 [therein] in such family day care home in a position connected with the
61 provision of care to a child receiving child day care services, has been
62 convicted, in this state or any other state of a felony, as defined in
63 section 53a-25, involving the use, attempted use or threatened use of
64 physical force against another person, or has a criminal record in this
65 state or any other state that the commissioner reasonably believes
66 renders the person unsuitable to own, conduct, operate or maintain or
67 be employed by a family day care home, or if such persons or a person
68 residing in the household has been convicted in this state or any other
69 state of cruelty to persons under section 53-20, injury or risk of injury
70 to or impairing morals of children under section 53-21, abandonment
71 of children under the age of six years under section 53-23, or any
72 felony where the victim of the felony is a child under eighteen years of
73 age, a violation of section 53a-70, as amended, 53a-70a, as amended,
74 53a-70b, 53a-71, 53a-72a, 53a-72b, as amended, or 53a-73a, illegal
75 manufacture, distribution, sale, prescription, dispensing or
76 administration under section 21a-277 or 21a-278, or illegal possession
77 under section 21a-279, or if such person, or a person employed
78 [therein] in such family day care home in a position connected with the
79 provision of care to a child receiving child day care services, either fails
80 to substantially comply with the regulations adopted pursuant to
81 section 19a-87b, as amended, or conducts, operates or maintains the
82 home in a manner which endangers the health, safety and welfare of
83 the children receiving child day care services. [However, no] Any
84 refusal of a license pursuant to this section shall be rendered [except]

85 in accordance with the provisions of sections 46a-79 to 46a-81,
86 inclusive. Any person whose license has been revoked pursuant to this
87 section shall be ineligible to apply for a license for a period of one year
88 from the effective date of revocation.

89 (b) When the [Commissioner of Public Health] commissioner
90 intends to [refuse a license or to] suspend or revoke a license or take
91 any other action against a license set forth in regulation adopted
92 pursuant to section 19a-79, [he] the commissioner shall notify the
93 [license applicant or license holder] licensee in writing of [his] the
94 commissioner's intended action. The [license applicant or license
95 holder] licensee may, if aggrieved by such intended action, make
96 application for a hearing in writing over [his] the licensee's signature to
97 the commissioner. The [aggrieved person] licensee shall state in the
98 application in plain language the reasons why [he] the licensee claims
99 to be aggrieved. The application shall be delivered to the
100 [Commissioner of Public Health] commissioner within thirty days of
101 the [aggrieved person's] licensee's receipt of notification of the
102 intended action. The commissioner shall thereupon hold a hearing
103 within sixty days from receipt [thereof] of such application and shall,
104 at least ten days prior to the date of such hearing, mail a notice, giving
105 the time and place [thereof] of the hearing, to [such aggrieved person]
106 the licensee. The provisions of this subsection shall not apply to the
107 denial of an initial application for a license under section 19a-87b, as
108 amended, provided the commissioner shall notify the applicant of any
109 such denial by mailing written notice of the denial to the applicant at
110 the applicant's address shown on the license application.

111 (c) Any person who is licensed to conduct, operate or maintain a
112 family day care home shall notify the commissioner of any conviction
113 of the owner, conductor, operator or maintainer of the family day care
114 home or of any person residing in the household or any person
115 employed [therein] in such family day care home in a position
116 connected with the provision of care to a child receiving child day care
117 services, of a crime which affects the commissioner's discretion under
118 subsection (a) of this section, immediately upon obtaining knowledge

119 of such conviction. Failure to comply with the notification requirement
120 of this subsection may result in the suspension or revocation of the
121 license or [take] the taking of any other action against a license set
122 forth in regulation adopted pursuant to section 19a-79 and shall subject
123 the licensee to a civil penalty of not more than one hundred dollars per
124 day for each day after the person obtained knowledge of the
125 conviction.

126 (d) It shall be a class A misdemeanor for any person seeking
127 employment in a position connected with the provision of care to a
128 child receiving family day care home services to make a false written
129 statement regarding prior criminal convictions pursuant to a form
130 bearing notice to the effect that such false statements are punishable,
131 which statement [he] such person does not believe to be true and is
132 intended to mislead the prospective employer.

133 (e) Any person having reasonable cause to believe that a family day
134 care home, as defined in section 19a-77, is operating without a current
135 and valid license or in violation of the regulations adopted under
136 section 19a-87b, as amended, or in a manner which may pose a
137 potential danger to the health, welfare and safety of a child receiving
138 child day care services, may report such information to any office of
139 the Department of Public Health. The department shall investigate any
140 report or complaint received pursuant to this subsection. The name of
141 the person making the report or complaint shall not be disclosed
142 unless (1) such person consents to such disclosure, (2) a judicial or
143 administrative proceeding results [therefrom] from such report or
144 complaint, or (3) a license action pursuant to subsection (a) of this
145 section results [therefrom] from such report or complaint. All records
146 obtained by the department in connection with any such investigation
147 shall not be subject to the provisions of section 1-210, as amended, for a
148 period of thirty days from the date of the petition or other event
149 initiating such investigation, or until such time as the investigation is
150 terminated pursuant to a withdrawal or other informal disposition or
151 until a hearing is convened pursuant to chapter 54, whichever is
152 earlier. A formal statement of charges issued by the department shall

153 be subject to the provisions of section 1-210, as amended, from the time
154 that it is served or mailed to the respondent. Records which are
155 otherwise public records shall not be deemed confidential merely
156 because they have been obtained in connection with an investigation
157 under this section."

158 After line 66, insert the following and renumber the remaining
159 section accordingly:

160 "Sec. 5. Section 19a-423 of the general statutes is repealed and the
161 following is substituted in lieu thereof:

162 (a) Upon the denial of an application [of] for an original youth camp
163 license under this chapter, the commissioner shall notify the applicant
164 [in writing] of any such denial [,] by mailing [a] written notice of the
165 denial to [him] the applicant at the applicant's address shown on [his]
166 the license application. [Any applicant aggrieved by such denial may
167 appeal therefrom in accordance with the provisions of section 19a-424.]

168 (b) The commissioner may suspend, revoke or refuse to renew the
169 license of any youth camp regulated and licensed under this chapter if
170 the licensee: (1) Is convicted of any offense involving moral turpitude,
171 the record of conviction being conclusive evidence thereof; (2) is
172 legally adjudicated insane or mentally incompetent, the record of such
173 adjudication being conclusive evidence thereof; (3) uses any narcotic or
174 any controlled drug, as defined in section 21a-240, as amended, to an
175 extent or in a manner that such use impairs [his] the licensee's ability
176 to properly care for children; (4) consistently fails to maintain
177 standards prescribed and published by the [Department of Public
178 Health] department; (5) furnishes or makes any misleading or any false
179 statement or report to the department; (6) refuses to submit to the
180 department any reports or refuses to make available to the department
181 any records required by it in investigating the facility for licensing
182 purposes; (7) fails or refuses to submit to an investigation or inspection
183 by the department or to admit authorized representatives of the
184 department at any reasonable time for the purpose of investigation,

185 inspection or licensing; (8) fails to provide, maintain, equip and keep in
186 safe and sanitary condition premises established for or used by the
187 campers pursuant to minimum standards prescribed by the
188 [Department of Public Health] department or by ordinances or
189 regulations applicable to the location of such facility; (9) wilfully or
190 deliberately violates any of the provisions of this chapter.

191 Sec. 6. Section 19a-424 of the general statutes is repealed and the
192 following is substituted in lieu thereof:

193 Any [applicant or] licensee aggrieved by the action of the
194 [Commissioner of Public Health] commissioner in [denying,]
195 suspending or revoking any license under the provisions of this
196 chapter may appeal [therefrom] such action in accordance with the
197 provisions of section 4-183, as amended."